Filed 8/28/19 In re Aria R. CA1/3

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

In re ARIA R., a Person Coming Under the Juvenile Court Law.	
SAN FRANCISCO HUMAN SERVICES AGENCY, Plaintiff and Respondent, v. EMILY J., Defendant and Appellant.	A155863 (City & County of San Francisco Super. Ct. No. JD163274)

Emily J. (Mother), the mother of Aria R. (Minor), appeals orders by the juvenile court made at a November 16, 2018 hearing. Mother contends the court erred by not enforcing an agreement between herself and the San Francisco Human Services Agency (Agency) that the recommended permanent plan at an upcoming Welfare and Institutions Code section 366.26[1] hearing would be legal guardianship. Mother also contends the court abused its discretion by granting Minor's de facto parents more rights to participate in future hearings than authorized by law and by granting their request to inspect and receive confidential juvenile case file documents. We reverse the orders disclosing

[1] All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

confidential juvenile case file documents to Minor's de facto parents, and affirm the remaining orders.

FACTUAL AND PROCEDURAL BACKGROUND[2]

Minor was initially detained in this dependency case in September 2016 when she was two years old. A contested status review hearing was held over several days between January and March 2018. At the hearing, the Agency called its protective services workers and supervisors, Minor's maternal grandmother, and a licensed psychologist who evaluated Mother to testify. Mother called a counselor, a therapist, and the director of Ashbury House (the residential mental health treatment program where Mother then resided) to testify. Mother also introduced numerous exhibits into evidence.

On March 21, 2018, the status review hearing ended after the parties reached an agreement to terminate further reunification services and to set the matter for a permanency planning hearing pursuant to section 366.26 where the recommended permanent plan would be the appointment of Minor's maternal grandparents as legal guardians. Mother agreed she would submit to guardianship at the section 366.26 hearing if she did not file a successful section 388 petition. The agreement contemplated Mother would retain the ability to file a section 388 petition any time before Minor turned eighteen. It also contemplated Mother would obtain expanded overnight visits. After the juvenile court ensured Mother was entering the agreement knowingly and voluntarily, it terminated reunification services, set a section 366.26 hearing for September 19, 2018, and ordered expanded visitation. Afterward, the court admonished the parties not to talk about the court proceedings with Minor.

By June 2018, counsel for Minor filed a section 388 petition asking to reduce Minor's visits from her home with her maternal grandparents in Sonoma County to Mother in San Francisco due to the stress the trips put on Minor. Counsel's supporting

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[2] Many facts concerning this case are set out in our decision on Mother's writ petition challenging the juvenile court's order setting a hearing under section 366.26, case number A156906. We will not restate all of those facts here. Instead, we focus on what is most relevant to the issues in this appeal.

declaration indicated that since visitation increased, Minor began displaying negative and aggressive behaviors, and regressed in her potty training. Minor's counsel asserted she had reports that Mother was speaking to Minor about the court proceedings, telling Minor she was going to court to get her back, and saying disparaging things to Minor about the child's maternal grandmother—one of Minor's long-time caretakers. Mother filed her own section 388 petition in July 2018, asking for Minor's return to her at Ashbury House under a family maintenance plan, or for reunification services with a transition plan plus increased visits. Hearings for both of the section 388 petitions were held in August 2018. Ultimately, after several days of testimony from numerous witnesses put forth by both parties, the juvenile court denied Mother's requests to return Minor to her and to reinstate reunification services. The court partially granted Minor's counsel's section 388 petition, reducing overnight visits to every other week, and ordered that Mother have Friday daytime visits every other week with the child and maternal grandparents in Sonoma County.

In late August 2018, while the foregoing section 388 proceedings were ongoing, the Agency filed a section 366.26 report recommending termination of Mother's parental rights and adoption by Minor's maternal grandparents (who are her caretakers and de facto parents), rather than guardianship as previously agreed.

In September 2018, the juvenile court continued the scheduled section 366.26 hearing, and Mother orally objected to the Agency's recommendation for adoption as the permanent plan. Mother stated she would file a written objection on the ground the recommendation violated the settlement agreement.

Mother then filed a written objection to the Agency's recommendation for adoption and termination of parental rights. Mother asserted that she gave up various rights, believing the Agency would recommend legal guardianship as the permanent plan, and that she was prepared to submit to a recommendation of guardianship at the section 366.26 hearing. Analogizing the situation to the breach of a plea agreement in a criminal case, Mother claimed specific enforcement was the only adequate remedy.

At a hearing on November 16, 2018, Mother confirmed the juvenile court had received her written objection, asked the issue of that objection be taken up first, then argued the court should specifically enforce the agreement. Counsel for Father concurred with Mother's request. The Agency argued its change in recommendation for adoption instead of guardianship was warranted because Mother breached the terms of the settlement agreement by asking for Minor to be returned to her in her section 388 petition, and by speaking to Minor about the court proceedings. The Agency also argued its adoption recommendation was made in good faith after considering Minor's best interests in light of new circumstances, namely, Minor was exhibiting signs of stress due to the ongoing case and her visits with Mother.

Counsel for Minor agreed with the Agency that Mother breached the terms of the settlement agreement. Minor's counsel also contended legal guardianship was not in Minor's best interests because Minor was exhibiting signs of distress over the past few months due to the case, the uncertainty it engendered, and all the back-and-forth visitation. Mother denied violating the settlement agreement and argued the Agency failed to file a formal motion to request a change to the settlement agreement or the court's orders.

The juvenile court issued a ruling refusing to enforce the settlement agreement. Even though the court did not believe Mother materially breached the agreement, it emphasized it could not turn a blind eye to the changed circumstances occurring since the parties entered the settlement agreement. After the court ruled, Mother asked to be permitted to withdraw her submission to the termination of services. The court granted the request, then indicated it would complete the status review hearing that previously ended when the parties entered the settlement agreement.

Upon hearing the court's plan, the Agency indicated it was 90 percent complete with the status review hearing and asked the court to issue a ruling based on the evidence previously presented. Acknowledging the prior status review hearing was nearly complete when the parties agreed to settle, the court stated the parties could submit additional evidence in writing, limited to the date of the last status review hearing.

Mother requested, unsuccessfully, that the court permit her to present evidence beyond the date of the prior status review hearing, and to call live witnesses such as Mother herself.

DISCUSSION

A. Enforcement of Settlement Agreement

Mother contends that the terms of the settlement agreement were adopted by the juvenile court on March 21, 2018, as its "final orders" and that such orders were thus binding on the parties and the court. She argues any party who wanted to change such final and binding orders was required to file a section 388 petition, and the Agency's failure to do so means "the juvenile court had no legal authority for changing the prior order." She also claims that the agreement was equivalent to an enforceable contract, and that the failure to enforce the agreement and orders was not harmless error because she gave up numerous rights in reliance on the agreement. She further contends the only adequate remedy is specific performance.

First, we address Mother's characterization of the juvenile court's orders at the March 21, 2018 hearing. Mother claims the court was bound to accept the specific recommended permanent plan of guardianship at the scheduled section 366.26 hearing. Having examined the record, we see that the juvenile court ordered the case to proceed to the section 366.26 hearing with legal guardianship as the "permanent plan option." The court did this after accepting the parties' agreement, which was recited into the record, and after making findings that prematurely ended the status review hearing. That said, the court did not actually select a permanent plan for Minor at the March 21 hearing, and it did not issue letters of guardianship. Nor did it purport to otherwise bind itself to the recommended permanent plan of guardianship regardless of what evidence might be presented at the scheduled section 366.26 hearing.

This leads to the question whether the juvenile court had the legal authority to change the trajectory of this case by refusing to specifically enforce the agreement, or whether the Agency had to file a section 388 petition to give the court the power do so.

We have no trouble concluding that the court was authorized to refuse enforcement of the agreement sua sponte and did not commit an error of law.

A juvenile court has inherent authority under the California Constitution to reconsider its prior orders when necessary to prevent a miscarriage of justice, provided that in so doing, the court does not violate the constitutional rights of the parties. (*Nickolas F. v. Superior Court* (2006) 144 Cal.App.4th 92, 116–118; see, e.g., *id.* at pp. 117–118 [modification of disposition order that denied reunification services and set a section 366.26 hearing met the standards required for the court's exercise of its inherent constitutional authority where the court weighed the children's best interests after providing the affected parent with notice and an opportunity to be heard, to present evidence, and to confront witnesses].)

Additionally, as a statutory matter, "[*a*]*ny order* made by the court in the case of any person subject to its jurisdiction may *at any time* be changed, modified, or set aside, as the judge deems meet and proper," subject to certain procedural requirements. (§ 385, italics added.) Section 386 provides, "No order changing, modifying, or setting aside a previous order of the juvenile court shall be made . . . unless prior notice of the application therefor has been given by the judge or the clerk of the court to the social worker and to the child's counsel of record. . . ." While section 386 only requires notice to a parent when the child is unrepresented, due process requires that a parent whose parental rights have not been terminated, and who may be affected by a modification order, be provided with notice and an opportunity to be heard. (*Nickolas F.*, *supra*, 144 Cal.App.4th at p. 111, fn. 16.) A juvenile court can exercise its power to change, modify, or set aside a prior order under section 385 sua sponte. (*Id.* at pp. 112–116 [rejecting argument that court may not modify prior order pursuant to section 385 unless party has filed a section 388 petition].)

Here, despite the Agency's failure to file a section 388 petition, the court had both the inherent and statutory authority to reconsider its prior acceptance of the agreement regarding the recommended permanent plan at the section 366.26 hearing. The oral record and the documents filed by the parties show that Mother had notice of the

proposed change and an opportunity to be heard, as she made multiple objections, both oral and written, to the Agency's recommendation for adoption. The Agency responded in writing to Mother's objections claiming, among other things, that the circumstances for Minor worsened, obliging it to alter its recommendation. In that written response, the Agency cited to evidence presented at the August 2018 section 388 proceedings, which Mother had partially initiated and attended with counsel. At the November 16, 2018 hearing, Mother herself asked the court to first take up the issue of her objections to the Agency's section 366.26 adoption recommendation, then she and the other parties made their arguments. In issuing its ruling, the judge—who was the same judge who presided over the last status review hearing and the August 2018 section 388 proceedings—stated she could not turn a blind eye to the changed circumstances or the appearance thereof, and was obliged to determine the most permanent plan for Minor. These statements indicate the court believed that enforcing the agreement would not be in Minor's best interests and would result in a miscarriage of justice, which support its sua sponte action. Notably, at the November 16, 2018 hearing, Mother never challenged the evidence that Minor's circumstances had worsened after the settlement agreement was reached, and the record of the August 2018 section 388 proceedings discloses substantial evidence that circumstances for Minor worsened due to the ongoing case. Given this record and the posture of the case, we cannot say it was error for the court to act sua sponte.

Mother challenges the juvenile court's failure to require the Agency to file a new section 388 petition. While the evidence at the August 2018 section 388 proceedings may have been relevant, Mother argues such evidence was incomplete since the Agency did not file a new section 388 petition. Again, despite having been put on notice that the Agency's recommendation was due in part to Minor's changed circumstances, Mother did not dispute the evidence that Minor's circumstances had worsened after the settlement agreement was reached. Nor did she ever request an opportunity to submit any additional evidence before the court made its ruling. (*In re Aaron B.* (1996) 46 Cal.App.4th 843, 846 [" '[A] party is precluded from urging on appeal any point not raised in the trial court' "].)

In re Lance V. (2001) 90 Cal.App.4th 668 (*Lance V.*) does not assist Mother's position. Although *Lance V.* reversed a modified visitation order where the juvenile court changed the existing visitation order without a section 388 motion (*Lance V.*, at pp. 676–677), that opinion did not discuss section 385 or the court's inherent authority to reconsider its prior orders.

Next we consider whether the juvenile court abused its discretion in refusing to specifically enforce the agreement. The answer is no. (*Nickolas F.*, *supra,* 144 Cal.App.4th at pp. 118–119.) The record discloses that the court made a reasoned decision to reject specific enforcement based on changed circumstances and evidence that Minor was exhibiting distress due to the ongoing case.

Finally, we do not necessarily disagree with Mother that the settlement agreement between the parties was essentially a contract subject to enforcement. (See Civ. Code, § 1550; cf. *In re N.M.* (2011) 197 Cal.App.4th 159, 167.) We do, however, disagree that she was entitled to the remedy of specific performance. Indeed, specific performance "is not available if enforcement would be unjust or unreasonable. (Civ. Code, § 3391.)" (*In re Jason E.* (1997) 53 Cal.App.4th 1540, 1547.) Requiring the court and the parties to adhere to a recommendation for guardianship, and to ignore changed circumstances indicating guardianship was no longer in Minor's best interest, would have been neither just nor reasonable.

A typical contract remedy is rescission, which returns the parties to the status quo ante. (Civ. Code, § 1688; *Imperial Casualty & Indem. Co. v. Sogomonian* (1988) 198 Cal.App.3d 169, 184.) Here, the juvenile court returned Mother to the position she would have been in had she not entered the settlement agreement. The court allowed Mother to withdraw her earlier submission to the termination of services and indicated it would consider the evidence that had already been presented, allow the parties to submit new evidence in writing limited to the time period of the status review hearing, and consider further written argument.

Mother asserts the remedy afforded to her was insufficient because the juvenile court did not order that the status review hearing be re-heard in full, but Mother's cursory

argument fails to explain what a full re-hearing would have achieved and provides no authority supporting her position. (*Badie v. Bank of America* (1998) 67 Cal.App.4th 779, 784–785.) Mother also argues the remedy was insufficient because the court did not allow her to present additional testimonial evidence or to present evidence beyond the March 21, 2018 hearing date. Again, these arguments are undeveloped and unsupported by authority. (*Ibid.*) Mother fails to acknowledge that the court did in fact allow her to submit additional written evidence. (See *In re Jeanette V.* (1998) 68 Cal.App.4th 811, 816–817 [discussing flexibility of due process rights in dependency proceedings]; *In re Nada R.* (2001) 89 Cal.App.4th 1166, 1176.) She also fails to show any specific prejudice under the facts here, where there is no dispute the status review hearing was nearly complete when the settlement interrupted it and where available evidence could have been submitted in writing. (*Judith P. v. Superior Court* (2002) 102 Cal.App.4th 535, 555.)

Finally, Mother complains that the new attorney who would substitute in to represent her at the hearing to complete the status review did not represent her at the earlier status review hearing in January to March 2018. But the new attorney was present and made her substitution known at the November 16, 2018 hearing, and the court accounted for new counsel's substitution by indicating she would obtain a complete copy of the status review hearing transcripts and have ample time to conduct a review. At no time did new counsel ever indicate she could not competently represent Mother during the reconsideration and completion of the status review hearing.

In sum, we reject Mother's challenges to the juvenile court's actions pertaining to the settlement agreement.

B. De Facto Parents

i. Facts

On November 14, 2018, counsel for Minor's de facto parents filed a brief that outlined their position on the rights of de facto parents and requested permission to participate at the section 366.26 hearing by presenting evidence and cross-examining witnesses. Mother filed a written objection, arguing the de facto parents were not entitled

to an evidentiary hearing for the section 366.26 hearing or to present or cross-examine witnesses.

At a hearing on the matter, the de facto parents reiterated their position that they should be allowed to participate at the section 366.26 hearing. Mother indicated she had no objection to the de facto parents participating at the hearing, but she did object to the de facto parents calling their own witnesses and cross-examining witnesses. The juvenile court ruled it would allow the de facto parents to participate in the section 366.26 hearing by testifying and cross-examining witnesses. The court, however, indicated it would disallow cumulative evidence and would require an offer an proof if the de facto parents sought to call third party witnesses.

After the court issued this ruling, Mother objected to the de facto parents being given access to the confidential juvenile case file, arguing they were required to go through section 827 before obtaining access to confidential juvenile case file documents. Counsel for the de facto parents agreed they needed to comply with section 827 to obtain past records, but asked, going forward, to be given all motions and reports and allowed to review the transcripts at the last status review hearing. The juvenile court ruled that counsel for the de facto parents would be provided any motions and Agency generated reports filed for the section 366.26 hearing, but that any other documents required compliance with the section 827 process. The court additionally ruled the de facto parents themselves would receive notice of any 388 petition and the petition itself, but no attachments containing information that would need to be produced pursuant to section 827.[3] Further, the court indicated all parties would obtain copies of the transcripts of the status review hearing.

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[3] The minute order memorializing the foregoing orders appears to differ slightly from the court's oral orders. The minute order asserts: "Defacto parents shall be entitled to receive notice of 388 Petition, 366.26 reports, placement reports without confidential juvenile records attachments. 827 Request must be filed by the Defacto parents to obtain discovery and production of confidential juvenile records." (*Sic.*) Neither party addresses this divergence. We apply the general rule that the court's oral pronouncement controls over the clerk's minute order and that any discrepancy between the two is

Mother now contends the juvenile court abused its discretion by granting the de facto parents broader rights than what is authorized by law. Specifically, Mother contends the court's order "granting the de facto parents the unfettered right to testify and to cross-examine other parties' witnesses, at any future hearing, about any topic was overly broad, and thus an abuse of discretion." She also claims the court erred by granting the de facto parents' requests for case file documents without requiring compliance with section 827.

ii. De Facto Parents' Participation at Section 366.26 Hearing

A "de facto parent" is "a person who has been found by the court to have assumed, on a day-to-day basis, the role of parent, fulfilling both the child's physical and psychological needs for care and affection, and who has assumed that role for a substantial period." (Cal. Rules of Court,[4] rule 5.502(10).) " 'The purpose of conferring de facto parent status is to "ensure that all legitimate views, evidence and interests are considered in dispositional proceedings involving a dependent minor." ' " (*In re B.F.* (2010) 190 Cal.App.4th 811, 817 (*B.F.*).) De facto parents may: "(1) Be present at the hearing; [¶] (2) Be represented by retained counsel or, at the discretion of the court, by appointed counsel; and [¶] (3) Present evidence." (Rule 5.534(a).) That said, de facto parents "do not enjoy the same due process rights as parents" and "are not part of any adversarial aspect of a dependency case." (*B.F.*, *supra*, 190 Cal.App.4th at p. 817.) "[T]hey are only 'entitled to procedural due process to the extent necessary and appropriate for them to assert [their] recognizable interest in the child [citations].' " (*In re Damion B.* (2011) 202 Cal.App.4th 880, 888 (*Damion B.*).) "The extent of a de facto parent's right to present evidence depends on the relevant circumstances." (*In re A.F.* (2014) 227 Cal.App.4th 692, 700.) We review the orders allowing the de facto parents to

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presumed to be a clerical error in the minute order. (*People v. Farell* (2002) 28 Cal.4th 381, 384, fn. 2; *In re Malik J.* (2015) 240 Cal.App.4th 896, 905.)

[4] All further rule references are to the California Rules of Court.

present testimony and cross-examine witnesses for abuse of discretion. (*In re Alexandria P.* (2016) 1 Cal.App.5th 331, 359–361.)

As a preliminary matter, we reject Mother's contention that the juvenile court's order allowed unrestricted participation of the de facto parents at all future hearings. Having reviewed the oral record, we find it apparent that, consistent with the parties' discussions at the subject hearing, the court's orders specifically concerned the de facto parents' participation only at a future section 366.26 hearing.

As to the order permitting the de facto parents to present their own testimony and to cross-examine witnesses at the section 366.26 hearing, we find no abuse of discretion. To be clear, Mother does not challenge the propriety of the juvenile court permitting the de facto parents' the ability to present testimony or cross-examine witnesses per se. Instead, she argues the court erred by not limiting the scope of such testimony and cross-examination. But it is unclear from the record what testimony the de facto parents plan to present at the section 366.26 hearing (which at the time was scheduled months in the future), or what they might ask on cross-examination of potential witnesses. In light of this, we agree with the Agency that the issue is not ripe. (*Hunt v. Superior Court* (1999) 21 Cal.4th 984, 998.) Notably, the court did not indicate it would preclude future evidentiary objections to such testimony or cross-examination. When the time comes, Mother can raise specific objections to the evidence presented or to the cross-examination.

iii. De Facto Parents' Receipt of Juvenile Case File Documents

Juvenile courts have the power to order discovery. (*In re Dolly A.* (1986) 177 Cal.App.3d 195, 203.) That said, juvenile case files are generally confidential, and section 827 restricts access to them. (§ 827, subds. (a)(1) & (b)(1); *B.F.*, *supra*, 190 Cal.App.4th at p. 818.) "Juvenile case file" is broadly defined as "a petition filed in any juvenile court proceeding, reports of the probation officer, and all other documents filed in that case or made available to the probation officer in making his or her report, or to the judge, referee, or other hearing officer, and thereafter retained by the probation officer, judge, referee, or other hearing officer." (§ 827, subd. (e); rule 5.552(a).)

Section 827 sets out a list of persons and entities entitled to inspect juvenile case files without a court order, and a shorter list of those entitled to both inspect and receive copies of the case file without a court order. (§ 827, subd. (a)(1), (a)(5).) "De facto parents are not listed (§ 827, subd. (a)(1)), but they have standing to petition the juvenile court for the right to inspect or copy the case file." (*B.F.*, *supra*, 190 Cal.App.4th at p. 818; see § 827, subd. (a)(1)(Q).)

Rule 5.552 sets out specific procedures governing petitions to obtain or inspect case files. In sum, a section 827 petition must identify the specific files sought and "describe in detail the reasons the files are being sought and their relevancy to the proceeding or purpose for which petitioner wishes to inspect or obtain the files." (Rule 5.552(b).) To avoid summary denial, a petitioner must show good cause. (Rule 5.552(d)(1).) If a petitioner shows good cause, the juvenile court may set a hearing with notice mandated to various people and entities, such as the child's parents. (Rule 5.552(d)(2); § 827, subd. (a)(3)(B) ["court shall afford due process, including a notice of and an opportunity to file an objection to the release of the record or report to all interested parties"].) If the court determines there may be information or documents in the requested records to which the petitioner may be entitled, it "must conduct an in camera review of the juvenile case file and any objections and assume that all legal claims of privilege are asserted." (Rule 5.552(d)(3).) Petitioners must show, by a preponderance of the evidence, that the requested records are "necessary and have substantial relevance to the legitimate need of the petitioner." (Rule 5.552(d)(6).)

Here, there appears no dispute that the requested documents and transcripts would fall, once generated and filed, within the statutory meaning of "juvenile case file." (§ 827, subd. (e); rule 5.552(a).) Accordingly, we conclude the juvenile court erred by granting the de facto parents' oral request for disclosure of Minor's juvenile case file documents without requiring compliance with section 827 and rule 5.552. (*Nickolas F.*, *supra*, 144 Cal.App.4th at p. 119 [action that transgresses the confines of the applicable principles of law is an abuse of discretion].)

In this regard, the Agency makes a cursory and unsupported argument that the juvenile court did not err because the de facto parents and their attorney were entitled to review and receive case files pursuant to section 827, subdivision (a)(1)(E) and (K). We are unpersuaded.

Section 827, subdivision (a)(1)(E) and (a)(5), expressly permits counsel for the parties to both inspect and receive copies of a juvenile case file. Here, however, the juvenile court ordered that the de facto parents themselves would receive any 388 petition and that the "parties" would obtain copies of the status review hearing transcripts.

Moreover, while rule 5.534(a) states de facto parents are granted "standing to participate as a party *in the dispositional hearing and any hearing thereafter* at which the status of the dependent child is at issue" (italics added), the Agency cites no authority, nor have we found any, suggesting that de facto parents have standing as "parties" for the specific purpose of inspecting or receiving case files in a juvenile action. (Cf. *B.F.*, *supra*, 190 Cal.App.4th at pp. 817–818.)

Nor does section 827, subdivision (a)(1)(K), assist the Agency's position. While that subdivision allows "[m]embers of children's multidisciplinary teams, persons, or agencies providing treatment or supervision of the minor" to inspect a juvenile case file, the Agency fails to demonstrate that the de facto parents here qualify as persons providing "treatment" or "supervision" of dependent minors such that they fit within this subdivision. (Cf. *B.F.*, *supra*, 190 Cal.App.4th at pp. 817–818 [de facto parents "do not have an automatic right to receive the Agency's reports and other documents filed with the court" and "are not listed (§ 827, subd. (a)(1)), but they have standing to petition the juvenile court for the right to inspect or copy the case file"].) And notably, the court here did not merely allow inspection by the de facto parents; rather, the court ordered that the de facto parents and their counsel *receive* documents and transcripts.

Finally, the Agency cites several cases for the proposition that "Courts of Appeal acknowledge the de facto parents were entitled to certain case file documents," but none of these cases contains any substantive analysis of section 827's applicability to de facto parents. (E.g., *In re Vincent M.* (2008) 161 Cal.App.4th 943, 953; *Damion B.*, *supra*,

202 Cal.App.4th at p. 891; *In re Matthew P.* (1999) 71 Cal.App.4th 841, 847.) The Agency's reliance on local rule 12.9 of the San Francisco Superior Court is also unavailing, as a local rule cannot supersede section 827 or rule 5.552. (*In re A.L.* (2014) 224 Cal.App.4th 354, 363–364.)

In sum, the juvenile court erred in granting the de facto parents' request to inspect and receive juvenile case file documents without utilizing the procedure set out in section 827 and rule 5.552. These orders must be reversed. On remand, the de facto parents may file petitions to obtain portions of the juvenile case file.

DISPOSITION

The orders of the juvenile court permitting the de facto parents to inspect and receive juvenile case file documents are reversed, and the remaining orders are affirmed. The matter is remanded for further proceedings consistent with this opinion.

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Fujisaki, J.

WE CONCUR:

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Siggins, P. J.

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Petrou, J.

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